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July 23, 2004

**TO: Examiner Naff (TC1600)****GROUP: 1651****FAX NUMBER: 703-872-9306****ATTORNEY DOCKET NO.: DRE-0067****SERIAL NO.: 10/052,121****FILED: January 17, 2002****NUMBER OF PAGES: 7****MESSAGE:** Attached please find Amendment Transmittal Letter, Reply to Restriction Requirement mailed June 23, 2004 and Certificate of Transmission by Facsimile.**Kathleen A. Tyrrell, Registration No. 38,350****URGENT! PLEASE DELIVER IMMEDIATELY UPON RECEIPT. THANK YOU!**

\* \* \* \* \*

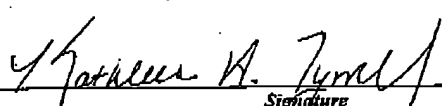
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<b>CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8)</b>			Docket No. <b>DRE-0067</b>
Applicant(s): <b>Laurencin et al.</b>			
Application No. <b>10/052,121</b>	Filing Date <b>January 17, 2002</b>	Examiner <b>Naff, David M.</b>	Group Art Unit <b>1651</b>
Invention: <b>Biocompatible, Biodegradable Polymer-based, Lighter Than or Light as Water Scaffolds for Tissue Engineering and Methods for Preparation and Use Thereof</b>			
<p>I hereby certify that this _____ <b>Reply to Restriction Requirement</b> _____</p> <p style="text-align: center;"><small>(Identify type of correspondence)</small></p> <p>is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. <b>703-872-9306</b>)</p> <p>on <b>July 23, 2003</b></p> <p style="text-align: center;"><small>(Date)</small></p> <div style="text-align: right; margin-top: 100px;"> <p><b>Kathleen A. Tyrrell</b></p> <p><small>(Typed or Printed Name of Person Signing Certificate)</small></p> <p><i>Kathleen A. Tyrrell</i></p> <p style="text-align: center;"><small>(Signature)</small></p> </div>			
<p><b>Note: Each paper must have its own certificate of mailing.</b></p>			

<b>AMENDMENT TRANSMITTAL LETTER (Small Entity)</b>				Docket No. <b>DRE-0067</b>				
Applicant(s): <b>Laurencin et al.</b>								
Application No. <b>10/052,121</b>	Filing Date <b>January 17, 2002</b>	Examiner <b>Naff, David M.</b>	Customer No. <b>26259</b>	Group Art Unit <b>1651</b>	Confirmation No. <b>1682</b>			
Invention: <b>Biocompatible, Biodegradable Polymer-based, Lighter Than or Light as Water Scaffolds for Tissue Engineering and Methods for Preparation and Use Thereof</b>								
<b>COMMISSIONER FOR PATENTS:</b>								
Transmitted herewith is an amendment in the above-identified application.								
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27								
The fee has been calculated and is transmitted as shown below.								
<b>CLAIMS AS AMENDED</b>								
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST # PREV. PAID FOR	NUMBER EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE			
TOTAL CLAIMS	6 -	20 =	0 x	\$9.00	\$0.00			
INDEP. CLAIMS	2 -	3 =	0 x	\$43.00	\$0.00			
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00			
<b>TOTAL ADDITIONAL FEE FOR THIS AMENDMENT</b>					<b>\$0.00</b>			
<input checked="" type="checkbox"/> No additional fee is required for amendment. <input type="checkbox"/> Please charge Deposit Account No. _____ in the amount of _____ <input type="checkbox"/> A check in the amount of _____ to cover the filing fee is enclosed. <input checked="" type="checkbox"/> The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. <b>50-1619</b> <input checked="" type="checkbox"/> Any additional filing fees required under 37 C.F.R. 1.16. <input checked="" type="checkbox"/> Any patent application processing fees under 37 CFR 1.17.								
 Signature <b>Kathleen A. Tyrrell, Reg. No. 38,350</b>			Dated: <b>July 23, 2004</b>					
<b>Licata &amp; Tyrrell P.C.</b> <b>66 East Main Street</b> <b>Marlton, NJ 08053</b> <b>Tel : 856-810-1515</b> <b>Fax: 856-810-1454</b>			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td>I certify that this document and fee is being deposited on with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.</td> </tr> <tr> <td style="text-align: center;">Signature of Person Mailing Correspondence</td> </tr> <tr> <td style="text-align: center;">Typed or Printed Name of Person Mailing Correspondence</td> </tr> </table>			I certify that this document and fee is being deposited on with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.	Signature of Person Mailing Correspondence	Typed or Printed Name of Person Mailing Correspondence
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Signature of Person Mailing Correspondence								
Typed or Printed Name of Person Mailing Correspondence								
cc:								

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No.: DRE-0067

Inventors: Laurencin et al.

Serial No.: 10/052,121

Filing Date: January 17, 2002

Examiner: Naff, David M.

Group Art Unit: 1651

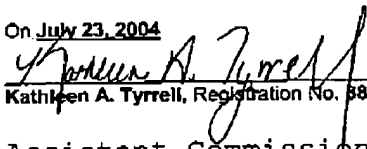
Title: Biocompatible, Biodegradable Polymer-based, Lighter Than or Light as Water Scaffolds for Tissue Engineering and Methods for Preparation and Use Thereof

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On July 23, 2004

  
Kathleen A. Tyrrell, Registration No. 88,350

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

Reply to Restriction Requirement

This is a reply to the Restriction Requirement mailed June 23, 2004 setting a one (1) month statutory period for response. Please enter the following remarks into the record.

Remarks begin at page 2.

Attorney Docket No.: DRE-0067  
Inventors: Laurencin et al.  
Serial No.: 10/052,121  
Filing Date: January 17, 2002  
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#### REMARKS

Claims 1-6 are pending in the instant patent application. Claims 1-6 have been subjected to a Restriction Requirement as follows:

Group I, claims 1-3, 5 and 6, drawn to a scaffold for tissue engineering comprising microcarriers and a method of regenerating tissue using the scaffold, classified in class 424, subclass 93.7; and

Group II, claim 4, drawn to a method for producing scaffolds for tissue engineering by preparing microcarriers, bonding the microcarriers into a scaffold and seeding the scaffold with cells, classified in class 435, subclass 395.

The Examiner has acknowledged Groups I and II to be related as process of making and product made. However, the Examiner suggests that the Groups are distinct because the scaffold of Group I can be made by a materially different process than required by the method of Group II.

Applicants respectfully traverse this Restriction Requirement.

MPEP §803 provides two criteria which must be met for a restriction requirement to be proper. The first is that the inventions be independent or distinct. The second is that there

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Inventors: Laurencin et al.  
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would be a serious burden on the Examiner if the restriction was not required. A search of the prior art relating to scaffold of Group I would clearly reveal any art relating to methods for their production (Group II). Thus, it does not appear that a serious burden would be placed upon the Examiner if this restriction were not made.

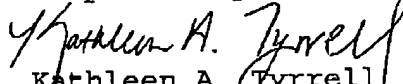
Accordingly, since this Restriction Requirement does not meet both criteria as set forth in MPEP § 803 to be proper, reconsideration and withdrawal of this Restriction Requirement is respectfully requested.

However, in an earnest attempt to be completely responsive, Applicants elect to prosecute Group I, claims 1, 2, 3, 5 and 6, drawn to scaffolds for tissue engineering comprising microcarriers and methods of regenerating tissue using the scaffold, with traverse.

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Inventors: Laurencin et al.  
Serial No.: 10/052,121  
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Applicants believe that the foregoing comprises a full and complete response to the Office Action of record.

Respectfully submitted,

  
Kathleen A. Tyrrell  
Registration No. 38,350

Date: July 23, 2004

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